

REMARKS

The Office Action has been received and carefully considered. Claims 1-12 and 60-105 are pending. New claims 106-115 are added. Claims 1, 60, 64, 76, 80, 82, 88, 92, 94, 100, 104, and 105 are amended by this response. No new matter has been added.

The Office Action (1) rejects claims 1, 2, 4-9, 11, 12, 64, 65, 67-72, 74, 75, 80, 81, 83-87, 92, 93, 95-99, and 105 under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent Application Publication No. 2002/0056123 to Liwerant *et al.* ("Liwerant") in view of U.S. Patent Application Publication No. 2001/0044826 to Ludwig *et al.* ("Ludwig"); and (2) rejects claims 3, 10, 60-63, 66, 73, 76-79, 82, 88-91, 94, and 100-104 under 35 U.S.C. § 103 as allegedly being obvious over Liwerant in view of Ludwig and Official Notice.

In view of the above amendments and based on the reasoning presented below, Applicant respectfully traverses the rejections under 35 U.S.C. § 103 and requests allowance of pending claims 1-12, 60-103, and 106-115.

35 U.S.C. § 103 Rejections Based on Liwerant/Ludwig

The Office Action rejects claims 1, 2, 4-9, 11, 12, 64, 65, 67-72, 74, 75, 80, 81, 83-87, 92, 93, 95-99, and 105 as allegedly being obvious over Liwerant in view of Ludwig. Although Applicant believes that the currently pending claims sufficiently distinguish Liwerant, Ludwig, and other references, Applicant has amended independent claims 1, 64, 80, 92, 104, and 105 in an effort to more clearly recite the claimed features and advance prosecution.

For example, Applicant has amended claim 1 to recite "delivering **browser-executable code** over the Internet for use in an Internet browser, wherein: the **browser-executable code** is **executed through the Internet browser at the user front end** and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over

the Internet, and **the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end.**" Support for these amendments may be found at least in Figures 1-4 and, for example, at page 2, lines 18-26; page 6, lines 24-27; page 7, line 16-page 8, line 9; and page 11, lines 19-27 of the specification. The cited references, neither alone nor in combination, teach or suggest the features of amended claim 1.

First, the cited references fail to teach or suggest delivering "browser-executable code" that is "executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Internet." The Office Action acknowledges that Liwerant lacks the above feature, but states that it would have been obvious for one of ordinary skill in the art at the time of the invention to do so because Liwerant allegedly discloses in different embodiments (1) streaming and (2) downloading software that allows a user to save a video file. *See* Office Action at 3-4. To the extent any streaming at all may occur in the Liwerant system, however, it is only streaming for **playback**, not streaming for recording. *See* Liwerant ¶ 74 ("A sharing module 1580 streams the video segment in streaming format to the destination computer in response to a return of the identification tag to the receiving computer."). The streaming in Liwerant is also from the **host computer**, not from the user's computer. Also, downloading software that allows a user to save a video file and then upload it is far different from delivering "browser-executable code" that is "executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Internet," such that one of ordinary skill in the art would not arrive at the feature based on the

disclosure of Liwerant.

Further, the Office Action states that it would have been obvious to extend Liwerant beyond what it discloses because doing so would allegedly “create a more user friendly recording experience by reducing the amount of steps that the user must initiate in order to record media from a camera.” *See* Office Action at 4-5. Liwerant, however, discloses no mechanism (and the Office Action provides none) for **how** it could deliver “browser-executable code” that is “executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Internet.” Given the limitations of the Liwerant system, there is no reason why one of ordinary skill in the art would find this feature of claim 1 obvious in view of Liwerant.

Ludwig likewise fails to teach or suggest the recited feature. Ludwig is directed to a “multimedia collaboration system” that allows users to videoconference and share data. *See* Ludwig ¶ 49. Each user operates a client multimedia workstation (CMW) with installed “workstation software,” a video camera, and a microphone for communicating with other users. *See* Ludwig ¶¶ 52, 120-122, Fig. 20. “In a typical videoconference, video camera 500 and microphone 600 capture and transmit outgoing video and audio signals” over a network, such as a “multimedia local area network” (MLAN). *See* Ludwig ¶ 106. Ludwig, however, has nothing to do with Internet browsers or browser-executable code. Indeed, it does not even mention the terms “Internet” or “browser.” Thus, Ludwig fails to teach or suggest delivering “browser-executable code” that is “executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Internet.”

Second, the cited references fail to teach or suggest the feature that “the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, **without using any recording software stored on the user front end.**” Again, the Office Action acknowledges that Liwerant fails to disclose the feature. *See* Office Action at 5. Indeed, in the method disclosed in Liwerant, a user records a video with a personal computer, saves the video as a **complete video file** in memory (*e.g.*, “movie.avi”), and then uploads the entire video file to a hosting site using special software called “VideoShare Producer.” *See* Liwerant ¶¶ 5, 75. This is completely different from claim 1, which recites delivering “browser-executable code over the Internet” that “initiates the streaming of audio and video material from a recording device on the user front end” where “the audio and video material is streamed over the Internet as it is being captured with the recording device, **not as a complete video file** on the user front end, without using any recording software stored on the user front end.”

Ludwig fails to teach or suggest the recited feature as well. In Ludwig, the “workstation software” stored on the client multimedia workstation (CMW) is what is responsible for capturing and sending video over a network. “CMW software modules 160 are illustrated generally in FIG. 20 and discussed in greater detail below in conjunction with the software running on MLAN Server 60 of FIG. 3. **Software 160** allows the user to initiate and manage (in conjunction with the server software) videoconferencing, data conferencing, multimedia mail and other collaborative sessions with other users across the network.” *See* Ludwig ¶ 120. Further, Ludwig does not specifically relate to Internet browsers or streaming over the Internet. Thus, it does not teach or suggest the feature that “the audio and video material is streamed **over the Internet** as it is being captured with the recording device, not as a complete video file on the

user front end, **without using any recording software stored on the user front end.**"

Finally, even if Liwerant or Ludwig did disclose all of the features recited in claim 1, one of ordinary skill in the art would have had no reason to combine the two references. "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Here, Liwerant is directed to a method of uploading complete video files over the World Wide Web. *See* Liwerant ¶ 9. Ludwig, however, is primarily directed to a videoconferencing system between participants in "multimedia local area networks" (MLANs) or wide area networks (WANs). Unlike Liwerant, Ludwig does not relate to browsers and Internet communication at all. *See* Ludwig ¶ 49. Further, Ludwig states that "analog methods for carrying real-time audio/video are preferred" while "[i]n the future, digital methods may be used." *See* Ludwig ¶ 56. This is in stark contrast to Liwerant, which clearly uses digital communication. *See* Liwerant ¶¶ 77, 79, 82.

The Office Action states that one of ordinary skill in the art at the time of the invention would have had reason to combine the systems of Liwerant and Ludwig to "reduce the amount of time needed to send video and audio to another client station as well as allowing a user to view and later review the audio and video file since the file is stored on the storage server." *See* Office Action at 5-6. Even if this were true, however, the Office Action fails to provide any reason **why or how such a combination would work in practice**. Given the significant differences between the two references described above, there is no reason to believe that one could simply add in features of one system to features of the other. Thus, one of ordinary skill in the art would have had no reason to combine the references in the manner stated in the Office

Action. See MPEP § 2141(V); *KSR*, 550 U.S. at 418 (to determine whether a claim is obvious, it is necessary to “determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue”).

Although of different scope than claim 1, amended independent claims 64, 80, 92, 104, and 105 are patentable over Liwerant and Ludwig for at least the same reasons as claim 1.

Claim 64 recites “a delivery module that delivers browser-executable code over the Internet for use in an Internet browser, wherein: the browser-executable code is executed through the Internet browser at the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Internet, and the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end.”

Claim 80 recites “receiving browser-executable code over the Internet for use in an Internet browser; executing the browser-executable code through the Internet browser at the user front end; and streaming audio and video material from a recording device on the user front end to the host back end over the Internet, wherein: the streaming is initiated by the browser-executable code, the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end, and the audio and video material is recorded on the host back end and stored as a complete video file.”

Claim 92 recites “a receiving module that receives browser-executable code over the Internet for use in an Internet browser; an execution module that executes the browser-executable code through the Internet browser at the user front end; and a streaming module that

streams audio and video material from a recording device on the user front end to the host back end over the Internet, wherein: the streaming is initiated by the browser-executable code, the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end, and the audio and video material is recorded on the host back end and stored as a complete video file.”

Claim 104 recites “delivering user interface code over the Wi-Fi connection, wherein: the user interface code is executed through the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the Wi-Fi connection, and the audio and video material is streamed as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end.”

Claim 105 recites “delivering user interface code over the wireless mobile connection, wherein: the user interface code is executed through the user front end and initiates the streaming of audio and video material from a recording device on the user front end to the host back end over the wireless mobile connection, and the audio and video material is streamed as it is being captured with the recording device, not as a complete video file on the user front end, without using any recording software stored on the user front end.”

These features, for example, are not taught or suggested by Liwerant or Ludwig, either alone or in combination. Independent claims 1, 64, 80, 92, 104, and 105, and all corresponding dependent claims, are therefore allowable over Liwerant and Ludwig for at least the reasons noted above.

Dependent Claims 106-113 are Allowable Over Liwerant/Ludwig

New dependent claims 106-113 are added by this response, and are allowable for at least the same reasons noted above with respect to their corresponding independent claims.

Further, claims 106-109 recite that “the browser-executable code is a Flash recording application.” This feature of the claimed methods and systems is not taught or suggested by Liwerant or Ludwig, either alone or in combination. Neither reference discloses anything relating to the Flash multimedia platform, for instance. Liwerant describes software called “VideoShare Producer,” but there is no disclosure that the software can be a Flash recording application. *See* Liwerant ¶§ 5, 75. Likewise, Ludwig has a client multimedia workstation (CMW) with “workstation software” for videoconferencing, but there is no disclosure that the software can be a Flash recording application. *See* Ludwig ¶ 120. Neither reference teaches or suggests “browser-executable code” that is a “Flash recording application.”

Further, claims 110-113 recite that “no recording software is stored on the user front end.” These claimed methods and systems are not taught or suggested by Liwerant or Ludwig either. Again, for example, Ludwig discloses “workstation software” that is stored on the client multimedia workstation (CMW). *See* Ludwig ¶ 120-122.

Dependent claims 106-113 are therefore allowable over Liwerant and Ludwig for at least the reasons noted above.

New Claims 114-115 are Allowable Over Liwerant/Ludwig

New independent claims 114 and 115 are added by this response. Although of different scope than claim 1, claims 114 and 115 are allowable over Ludwig and Liwerant for at least the same reasons noted above. Claim 114, for example, recites “delivering a Flash recording application over the Internet to a user front end, wherein . . . the audio and video material is

streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, and **the streaming from the recording device is controlled by the Flash recording application being executed through the Internet browser, not by any recording software stored on the user front end.**” Claim 115, for example, recites “a delivery module that delivers a Flash recording application over the Internet to a user front end, wherein . . . the audio and video material is streamed over the Internet as it is being captured with the recording device, not as a complete video file on the user front end, and **the streaming from the recording device is controlled by the Flash recording application being executed through the Internet browser, not by any recording software stored on the user front end.**”

Claims 114 and 115 also recite additional features not taught or suggested by Liwerant or Ludwig. Claim 114, for example, recites “delivering a **Flash recording application** over the Internet to a user front end, wherein: the Flash recording application is executed through an Internet browser at the user front end, causes a user interface to be displayed in the Internet browser, and causes audio and video material to be streamed from a recording device on the user front end to the host back end over the Internet in response to a user interaction with the user interface.” Claim 115, for example, recites “a delivery module that delivers a **Flash recording application** over the Internet to a user front end, wherein: the Flash recording application is executed through an Internet browser at the user front end, causes a user interface to be displayed in the Internet browser, and causes audio and video material to be streamed from a recording device on the user front end to the host back end over the Internet in response to a user interaction with the user interface.”

Claims 114 and 115 are therefore allowable for at least the reasons noted above.


CONCLUSION

For all the reasons set forth above, an indication of allowance of all claims is solicited. In the event any outstanding issues remain in the Application, the Examiner is more than welcome to telephone the undersigned counsel to resolve any such issues in the interest of expediency and to further place the application in condition for allowance.

It is believed that all necessary fees are being charged for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicant also authorizes the Director to charge all required fees, fees under 37 C.F.R. § 1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: 
Justin T. Arbes
Registration No. 62,788

Dated: April 21, 2010

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1966
Facsimile: (202) 828-3763